

Applicant: H. Kida
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Response to Office Action
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Amendment to the Drawings

The attached four sheets of drawings includes changes to Figs. 1 and 11-13. These sheets, which includes Figs. 1 and 11-13, replace the original sheets including Figs. 1 and 11-13.

REMARKS

Applicant appreciates the Examiner's thorough examination of the subject application and requests reconsideration of the subject application based on the foregoing amendments and the following remarks.

Claims 1-19 are pending in the subject application.

Claim 6 stands rejected under 35 U.S.C. §102.

Claims 1-19 were objected to because of identified informalities. Claims 17-19 also were objected to as depending from a rejected base claim, however, the Examiner indicated that the claims would be allowable if appropriately re-written in independent form. As to claims 1-15, the Examiner did indicate that these claims would be allowable if appropriately re-written or amended to overcome the objections.

Claims 1, 11 and 16 were amended as suggested by the Examiner to address the identified informalities objections.

The amendments to the claims are supported by the originally filed disclosure.

The specification was objected to and correction required. The drawing figures were objected to and correction required. The specification was amended to address the Examiner's objections and/or rejections. Enclosed herewith are amended drawing figures that address the drawing objections. The amendments to the specification and drawing figures do not introduce new matter because they either are editorial in nature or are supported by the originally filed disclosure.

35 U.S.C. §102 REJECTIONS

The Examiner rejected claim 16 under 35 U.S.C. §102(b) as being anticipated by Gonda et al. [USP 5,253,028; “Gonda”]. Applicant respectfully traverses as discussed below.

Because claim 16 was amended in the instant amendment, the following discussion refers to the language of the amended claim. However, as the amendment addressed an identified informality, the amendment thus did not alter the scope of the claimed invention and thus is not relied upon to distinguish the claimed invention from the cited prior art.

Applicant claims (claim 16) an image forming apparatus that includes a recording material supply path that supplies a recording material in a substantially vertical direction from a recording material storage section towards an image forming section for forming an image on the recording material. The recording material supply path is provided in the image forming apparatus along *one of the side walls* of a main body of the image forming apparatus.

The main body of the image forming apparatus also has a space, which allows the recording material supply path to open from *a front side* of the image forming apparatus. The space is formed between an inner wall on a side of the recording material supply path and the recording material supply path. Also, the space is formed in sufficient size to allow the recording material supply path to be opened in such a manner that a recording material that is stuck in the recording material supply path can be removed.

As can be seen from the above italicized portions the image forming apparatus has a structure such that the recording material supply path is provided in the image forming apparatus along *one of the side walls* of the main body of the image forming apparatus and also that the

main body of the image forming apparatus includes a space that allows the recording material supply path to open from *a front side* of the image forming apparatus, whereby recording material stuck in the supply path can be removed. It is clear from the language of the claim, when read in light of the disclosure of the subject application that the side wall of the main body does not also correspond to the front side of the image forming apparatus.

Gonda describes an image forming apparatus having a plurality of stacked image forming units, which apparatus also includes a paper feed path formed along a substantially vertical plane that parallels the side wall of the image forming apparatus. The image forming apparatus in Gonda also includes an opening and closing portion 4 for each image forming unit 1a,b that is separated from the main body portion 3 by the paper feed path. The opening and closing portion also is pivotably mounted to the main body portion 3 on one side of the paper feed path. Thus, by rotating about the vertical axis defined by the pivot point, the paper feed path can be opened and closed in the horizontal direction irrelevant to the vertical stack of the image forming units. In this regard, it should be noted that the image forming apparatus or image forming units described in Gonda are similar to that shown in Fig. 13 of the subject application.

From the foregoing and Figure 3 in Gonda, it can be seen that Gonda describes an image forming unit/apparatus in which the paper feed path extends along one of the side walls of the image forming unit/apparatus. Also, it can be seen that the opening and closing portion(s) of the image forming unit(s)/apparatus *also are located in this same side wall*. Thus, it is impossible for Gonda to describe, disclose or teach a main body of an image forming apparatus having a space that allows the recording material supply path to open from a front side of the image

forming apparatus as the recording material supply path of the claimed invention also is provided in the image forming apparatus along one of the side walls of the main body. As indicated above, the front side does not correspond to said one of the side walls.

As provided in MPEP-2131, a claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference. *Verdegel Bros. v. Union Oil Co. of California*, 2 USPQ2d 1051, 1053 (Fed. Cir. 1987). Or stated another way, “The identical invention must be shown in as complete detail as is contained in the ... claims. *Richardson v Suzuki Motor Co.*, 868 F.2d 1226, 9 USPQ 2d. 1913, 1920 (Fed. Cir. 1989). Although identify of terminology is not required, the elements must be arranged as required by the claim. *In re Bond*, 15 USPQ2d 1566 (Fed. Cir. 1990). It is clear from the foregoing remarks that claim 16 is not anticipated by the cited reference.

It is respectfully submitted that for the foregoing reasons, claim 16 is patentable over the cited reference and thus, satisfies the requirements of 35 U.S.C. §102(b). As such, claim 16 is allowable.

CLAIMS 17-19

In the above-referenced Office Action, claims 17-19 were objected to as being dependent upon a rejected base claim. It also was provided in the above-referenced Office Action, however, that these claims would be allowable if rewritten in independent form to include all the limitations of the base claim and any intervening claim(s).

In as much as Applicant believes that the base claim (*i.e.*, claim 16) is in allowable form, claims 17-19 were not re-written in independent form as suggested by the Examiner. Applicant, however, reserves the right to later amend the subject application so as to present any one or more of these claims in independent form or to add one or more independent claims that contain the limitations of any one or more of presently pending claims 17-19.

CLAIMS 1-19

As indicated above, claims 1-19 were objected to because of identified informalities, however, the Office Action further provided that claims 2-10, 12-15 and 17-19 were objected to because of their dependency from one of claims 1, 11 and 16, respectively, for which the Office Action had provided a specific concern.

As provided above, claims 1, 11 and 16 were amended to address the objections and in the manner suggested by the Examiner.

Thus, Applicant respectfully submits that claims 1-19 are acceptable, and further that claims 1-15 are in a condition for allowance.

SEPCIFICATION OBJECTIONS

The Examiner objected to the specification of the subject application and requested correction thereof. The following addresses the specific objections of the Examiner.

TITLE

The Examiner objected to the TITLE as not being descriptive of the invention being claimed and requested correction. The TITLE has been amended in the instant amendment to address the Examiner's objections. As such, the TITLE, as amended, is considered acceptable.

OTHER

During preparation of the within response, Applicants identified some typos, grammar related changes and/or other editorial type of changes. Thus, also included in the foregoing amendment to the specification are such amendments to the specification. As these changes do not introduce new matter, entry of these other amendments into the subject application is respectfully requested.

It is respectfully submitted that for the foregoing reasons, the specification satisfies applicable Patent laws and rules and, therefore is considered acceptable.

DRAWING OBJECTIONS

The Examiner objected to the drawing because FIGS. 11-13 thereof did not include a prior art legend and requested correction. Attached herewith are replacement sheets including FIGS. 11-13 in which the drawing figures were amended to add the prior art legends as requested by the Examiner. As such the as-amended drawing figures are considered acceptable.

The Examiner also objected to the drawing figures because reference numeral 21 was missing from FIG. 1. Attached herewith is a replacement sheet including FIG. 1 in which the

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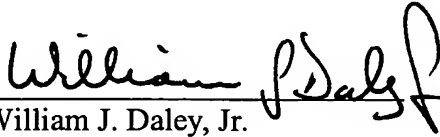
drawing figure was amended so as to include reference numeral 21. Such an amendment is supported by the originally filed disclosure and with particular reference to FIG. 10. As such the as-amended drawing figure is considered acceptable.

It is respectfully submitted that the subject application is in a condition for allowance. Early and favorable action is requested.

Applicant believes that additional fees are not required for consideration of the within Response. However, if for any reason a fee is required, a fee paid is inadequate or credit is owed for any excess fee paid, the Commissioner is hereby authorized and requested to charge Deposit Account No. 04-1105.

Respectfully submitted,
Edwards Angell Palmer & Dodge, LLP

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By: 
William J. Daley, Jr.
(Reg. No. 35,487)
P.O. Box 55874
Boston, MA 02205
(617) 439- 4444

Customer No. 21,874

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